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EXAMINER

AFSHAR, KAMRAN

ART UNIT PAPER NUMBER

2681

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,128

Applicant(s)

VON ALTEN, THOMAS W.

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/16/2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 & 6-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 15-23 & 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Murakami (U.S. Patent 6,636,145 B1).

With respect to claim 1, Murakami discloses a method for permitting a user to temporarily (e.g. Shared, Rental, lend, etc.) use a resource (e.g. Shared vehicle, automobile, port facility, central office, kiosk) (See e.g. Abstract, Co. 11, Lines 14-25, Co. 19, Lines 12-26), receiving user identity information with an external identity confirmation device of the resource prior to providing access to the resource (See e.g. Co. 11, Lines 32-43); receiving a user code with an external security device (See e.g. 2424 of Fig. 13) of the resource prior to providing access to the resource (See e.g. Co. 11, Lines 57-65); confirming the eligibility of the user to use the resource relative to the identity information and the user code; providing the user with access to the resource (See e.g. Co. 11, Line 66 – Co. 12, Line 7, Co. 12, Lines 32-42) ; monitoring and recording information about use of the resource with a monitoring system of the resource (See e.g. Co. 21, Line 63 – Co. 22, Line 8); and obtaining resource use information from the resource monitoring system of the resource (See e.g. Co. 20, Line 40 – Co. 21, Line 11 & For more Entire Document, Figs. 1-15).

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Regarding claim 2, Murakami discloses the user identity information is obtained from an identity card of the user (See e.g. Co. 18, Lines 28-34, Co. 19, Lines 12-15).

Regarding claim 3, Murakami discloses the identity confirmation device comprises a card reader (See e.g. Co. 18, Lines 28-34, Co. 19, Lines 12-15).

Regarding claims 4, 7, Murakami discloses cross-referencing the user identity information with information stored in a resource memory (See e.g. Co. 19, Line 12-26).

Regarding claim 6, Murakami discloses the security device comprises a keypad (See e.g. 162 of Fig. 7, 192 of Fig. 10, Co. 17, Lines 45-49, Co. 21, Lines 6-11).

Regarding claim 8, Murakami discloses obtaining user identity and resource information once the user takes the resource (See steps 70, 74, 78, 100 of Flow Chart of Fig. 3, 106, 108 of Flow Chart of Fig. 4).

Regarding claim 9, Murakami discloses the user identity and resource information is transmitted from the resource over a short-range wireless communications system (Figs 1, & 7, Co. 6, Lines 38-50, Co. 7, Lines 12-16, Co. 17, Lines 34-41).

Regarding claim 10, Murakami discloses the resource use information is obtained from the resource once the resource has been returned (See e.g. Co. 14, Lines 11-19, Co. 17, Lines 34-41).

Regarding claims 11, 22 Murakami discloses use information (e.g. automobile use information) is transmitted from the automobile over a short-range (e.g. (IR)) wireless communication system to a central office is transmitted from the resource over a short-range wireless communications system (See e.g. Co. 14, Lines 11-19, Co. 17, Lines 34-41).

Regarding claim 12, Murakami discloses the user is permitted to use the resource in exchange for a rental fee (See e.g. Co. 7, Lines 60-67).

Regarding claims 15, 26, Murakami discloses locating and retrieving the resource after the user has terminated resource use (See e.g. Co. 14, Lines 3-10, Co. 21, Lines 47-49, Co. 22, Lines 11-20).

With respect to claim 16, Murakami discloses a method for permitting a user to temporarily use an automobile (See e.g. Shared vehicle, Abstract, Co. 3, Lines 35-47), receiving identity information from a user identity card (See e.g. Co. 11, Lines 32-42, Co. 11, Line 65 – Co. 12, Line 7) with a card reader

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provided on the exterior (See e.g. Co. 20, line 59 – Co. 21, Line 11) of the automobile; receiving a user code with a security device provided on the exterior of the automobile (See e.g. Co. 12, Lines 32-42); unlocking the automobile doors in response to receiving a user code that correctly corresponds to the identity card (See e.g. Co. 11, Line 65 – Co. 12, Line 7); and permitting the automobile engine to be started once the user identity card is received by a card reader located inside the automobile (See e.g. Fig. 3, Co. 12, Lines 27-31 & For more Entire Document & Figs. 1-15).

Regarding claim 17, Murakami discloses the user identity and automobile information is transmitted from the automobile to a central office over a short-range wireless communications system when the automobile is taken by the user (See e.g. Co. 12, Line 47 – Co. 13, Line 8 & Fig. 1).

Regarding claim 18, Murakami discloses sensing and recording use conditions of the automobile with a vehicle monitoring system (See e.g. 202, 204, 207, 188, 206 of Fig. 10, Co. 21, Line 63 – Co. 22, Line 20).

Regarding claim 19, Murakami discloses the vehicle monitoring system monitors the mileage driven and duration of use (See e.g. Co. 13, Lines 32-44).

Regarding claim 20, Murakami discloses the vehicle monitoring system further monitors the places where the automobile is taken in conjunction with a GPS device of the automobile (See e.g. 204, 207, 188, 206 of Fig. 10, Co. 21, Line 63 – Co. 22, Line 20).

Regarding claim 22, Murakami discloses obtaining automobile use information from the automobile upon reacquisition of the automobile the automobile (See e.g. Co. 14, Lines 19-26).

With respect to claim 27, Murakami discloses access/monitoring system adapted for use in an automobile that can be made available for temporary use by a user (See e.g. Shared vehicle, Abstract, Co. 3, Lines 35-47), the system comprising: a central controller; an identity confirmation device provided on an exterior of the automobile that determines the identity of the user; a security device provided on an exterior of the automobile that confirms the identity of the user; and a monitoring system capable of recording use conditions of the automobile (See Co. 20, Line 40 – Co. 21, Line 11, Fig. 10).

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Regarding claim 28, Murakami discloses the identify confirmation device comprises a card reader provided on the exterior of the automobile that reads information from a user identity card (See Co. 20, Line 40 – Co. 21, Line 11, Fig. 10).

Regarding claim 29, Murakami discloses the security device is a keypad provided on the exterior of the automobile that accepts user code information from the user (See Co. 20, Line 40 – Co. 21, Line 11, Fig. 10).

Regarding claim 30, Murakami discloses a communications system that transmits information to and receives information from a central office (See Co. 20, Line 40 – Co. 21, Line 11, Figs. 1, 9-10).

Regarding claim 30, Murakami discloses a display device that communicates information to the user (See Co. 20, Line 40 – Co. 21, Line 11, Fig. 10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-14, 24-25, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami (U.S. Patent 6,636,145 B1) in view of Schuermann (U.S. Patent 5,52,789)

With respect to claims 13-14, 24-25, 32, Murakami discloses everything as discussed above in claim 1, However, Murakami does not explicitly teach a printing device providing a transaction summary and or automatically billing to the user. In the same field of endeavor, Schuermann teaches a vehicle key transponder which also communicates via short-range link (IR) (See e.g. Co. 48 – Co. 7, Line 19, Co. 7, Lines 48-50), a vehicle ID transponder 20 which serves as a media to receive and store toll credit limits and charge deduction and billing information from a parking station and to write this information to the TIRIS reader, namely the controller, and the vehicle ID transponder for parking access. Likewise, the read/write capability of the vehicle key transponder may also be used to receive credit limit and limit update messages from the stationary service station. Key transponder 22 retransmits this information to

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the vehicle via the vehicle ID transponder which relays it to the TIRIS reader for storage and display on request; and in a parking area, the vehicle identification transponder signals provide an identification to the station via antenna thus enabling the user automatic charge deduction and/or billing (See e.g. Co. 9, Lines 54 – Co. 10, Lines 6, Also, Figs. 1-2 & Co. 12, Lines 30-39). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Schuermann to Murakami enabling user automatic charge deduction and/or billing as suggested by Schuermann (See e.g. Co. 10, Lines 5-6).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.


Kamran Afshar


ERIKA GARY
PATENT EXAMINER